THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No : 17717 of 2005

Dated: 11-08-2005

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Between:

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U.P.Rao, E-453675, Conductor,

Narsipatnam Depot, S/o Suryanarayana,

Aged 55 years, R/o Narsipatnam,

Visakhapatnam District.

Petitioner…

AND

The Depot Manager, APSRTC,

Narsipatnam, Visakhapatnam District.

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ORDER:

This writ petition is filed by the petitioner aggrieved by the order of suspension, dated 18-07-2005, passed by the respondent – Depot Manager, A.P.S.R.T.C., Narsipatnam, Visakhapatnam District, and seeks to set aside the same as illegal and unwarranted.

According to the petitioner, he was appointed as Conductor in the respondent-Corporation in the year 1998 and has been serving in the Corporation without any remarks, but however on the premise that there are cash and ticket irregularities with reference to an amount of Rs.3/-, he was placed under

suspension. The said action of the respondent is illegal and unsustainable, in view of the long service rendered by the petitioner in the Corporation and also the amount involved is insignificant. Learned counsel for the petitioner referred to the charge and contended that the petitioner has collected Rs.10/- only with reference to one passenger and returned Rs.7/-, collecting Rs.3/- which is fare, for which the passenger has travelled. With reference to the other passenger, the petitioner was in the process of collecting the fare and issuing the ticket, therefore, there is no justification in making allegations against the petitioner that he had committed irregularities, therefore sought to set aside the impugned order.

On the other hand, learned Standing Counsel supported the order contending that it is only suspension pending enquiry, therefore the same shall not warrant interference of this Court.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the Corporation and considered the material available on record.

The petitioner was suspended by the respondent vide the impugned proceedings, dated 18-07-2005, with the allegations that he was involved in certain cash and ticket irregularities which were found, as a result of the check conducted by the checking officials on 13-07-2005. As per the charge memo issued by the respondent, the petitioner collected certain amount from the passengers and did not issue ticket which amounts to misappropriation of the fare amount is the matter to be gone into in the enquiry to be conducted by the respondent. This Court cannot interfere in the matter by adjudicate the same on the merits of the contentions raised by the petitioner, at this stage, as the matter is still to be enquired into by an enquiry committee to be appointed by the respondent.

In the above circumstances, the writ petition is dismissed as premature.

However, the respondent is directed to complete the enquiry as expeditiously as possible and pass appropriate orders, in accordance with law. No order as to costs.

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S.ANANDA REDDY, J

Dated: 11-08-2005

LSK